



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

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David K. Paylor  
Director

Steven A. Dietrich  
Regional Director

### STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION A SPECIAL ORDER BY CONSENT ISSUED TO:

**Maple Leaf Bakery, Inc.  
Registration No. 21320**

#### **SECTION A: Purpose**

This is a Consent Special Order issued under the authority of Va. Code § 10.1-1307.D, 10.1-1309, and 10.1-1184, and § 10.1-1316.C, between the State Air Pollution Control Board and Maple Leaf Bakery, Inc., for the purpose of resolving certain violations of State Air Pollution Control Laws and regulations.

#### **SECTION B: Definitions**

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Air Pollution Control Board, a permanent collegial body of the Commonwealth of Virginia as described in Code §§ 10.1-1301 and 10.1-1184
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Order.
6. "Maple Leaf" means "Maple Leaf Bakery, Inc." the corporation certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.

7. "Facility" means the Maple Leaf Bakery, Inc. located in Roanoke, Virginia.
8. "WCRO" means the West Central Regional Office of DEQ, located in Roanoke, Virginia.
9. "Permit" means the "Stationary Source permit to Install and Operate" which became effective August 9, 2005.
10. "O&M" means operations and maintenance.

### **SECTION C: Findings of Fact and Conclusions of Law**

1. Maple Leaf Bakery, Inc. owns and operates a facility in Roanoke, Virginia. This facility is the subject of an August 9, 2005 permit, which allows Maple Leaf to operate a dough making and baking facility.
2. Since the facility opened, they have increased production and expanded operations, requiring changes to their original permit issued on January 9, 1998.
  - January 9, 1998, Maple Leaf received a permit to construct and operate a bakery.
  - September 14, 2001, Maple Leaf received a permit to modify operations; install two (2) additional baking lines #4 and #5.
  - September 29, 2003, Maple Leaf received a permit to add line #6.
  - December 14, 2004, Maple Leaf applied for a Title V permit with DEQ.
  - March 25, 2005, Maple Leaf received a permit to add line #7.
  - August 9, 2005, Maple Leafs received a permit to install a thermal oxidizer to control VOC emissions.
3. Condition 13 of the current permit dated August 9, 2005 limits VOC emissions to 148.25 tons/yr. On March 8, 2006 Maple Leaf Bakery provided emission data which indicated that VOC emissions had exceeded the limit in the permit for February 2006. Maple Leaf Bakery confirmed on April 4<sup>th</sup>, 2006 that the rolling twelve month total for March, 2006 was also exceeded.
4. Maple Leaf Bakery was issued a NOV on March 21, 2006 for violation of condition 13 of the current permit.

### **SECTION D: Agreement and Order**

Accordingly, the Board, by virtue of the authority granted it in Va. Code §10.1-1307.D, 10.1-1184 and §10.1-1316.C, orders Maple Leaf Bakery, Inc., and Maple Leaf Bakery, Inc. agrees to pay the civil charge listed below.

Pay a civil charge of \$4,722.00 within 30 days after execution of this order by DEQ. Payment shall be made by check payable to the "Treasurer of Virginia", delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 10150  
Richmond, Virginia 23240

**SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend the Order with the consent of Maple Leaf Bakery, Inc., for good cause shown by Maple Leaf Bakery, Inc., or on its own motion after notice and opportunity to be heard.
2. This Order only addresses those conditions specifically identified herein. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, Maple Leaf Bakery, Inc. admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Maple Leaf Bakery, Inc. consents to venue in the Circuit Court of the City of Roanoke for any civil action taken to enforce the terms of this Order.
5. Maple Leaf Bakery, Inc. declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 9-6.14:1 et seq., and the Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by Maple Leaf Bakery, Inc. to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.

7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Maple Leaf Bakery, Inc. shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Maple Leaf Bakery, Inc. shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Maple Leaf Bakery, Inc. shall notify the DEQ West Central Regional Office Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
  - a. the reasons for the delay or noncompliance;
  - b. the projected duration of any such delay or noncompliance;
  - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
  - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within 24 hours of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Maple Leaf Bakery, Inc. Notwithstanding the foregoing, Maple Leaf Bakery, Inc. agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Maple Leaf Bakery, Inc. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Maple Leaf Bakery, Inc. from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
12. By its signature below, Maple Leaf Bakery, Inc. voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of JUNE 19, 2006.

Steven A. Dietrich  
Steven A. Dietrich, Regional Director  
Department of Environmental Quality

Maple Leaf Bakery, Inc. voluntarily agrees to the issuance of this Order.

By: Richard Fugere  
Richard Fugere, Acting Plant Manager  
Maple Leaf Bakery, Inc.

Date: June 13<sup>th</sup> 06

Commonwealth of Virginia

County of Spotsylvania

The foregoing document was signed and acknowledged before me this 13<sup>th</sup> day of

June, 2005, by Richard Fugere, who is  
Richard Fugere

Acting Plant Manager of Maple Leaf Bakery, Inc., on behalf of the Corporation.

Tyann R. Walker  
Notary Public

My commission expires: Oct. 31, 2009

